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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/631,057
Filing Date: July 31, 2003
Appellant(s): DINH ET AL.

John R. Bigger
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/17/2007 appealing from the Office action
mailed 02/21/2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US US006363418B1	Conboy et al.	Issued 03/26/2002
US006202061B1	Khosla et al.	Issued 03/13/2001
US20040201752A1	Prarulski et al	Filed 04/11/2003

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable by Conboy et al, US US006363418B1 - issued 03/26/2002 (hereinafter Conboy), in view of Khosla et al. US006202061B1-issued 03/13/2001 (hereinafter Khosla), further in view of Prarulski et al. filed 04/11/2003 (hereinafter Prarulski).

Regarding independent claim 1, Conboy teaches **receiving a data stream** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device;

In addition, Conboy teaches **the data stream comprising a document structured by markup elements having attributes, included in an attributes of a markup element of the document, and retrieving the images, from the data processing system**, (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the

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location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying the image's location on the server, can reasonably interpret as, *"a document structured by markup elements having attributes,"* as claimed.

Conboy does not explicitly teach, but Khosla teaches **comprising an image group identifier, identifying a plurality of images, the image group identifier.**

Specifically, Khosla discloses a digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) (see Khosla at col. 1, line 65 through col. 2, line 15). Also (see Khosla at col. 6, lines 15-30, also see Fig. 6 and 12a-b), discloses a set of album pages based upon the selected layout, wherein each album assigns a unique number to each slot on the ordered set of album pages (see example in fig 12-b illustrates bellows);

As Show in Fig. 7 above the, the server file system includes the original, higher resolution media objects 1 and 2 shown as elements 711 and 713 (i.e. these elements are the actual digital (or other) data of the media object stored on the server storage system and generating albums as a result of decoding the information specifying album to specific user (see Khosla at col. 9, lines 25-55).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages – see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see

Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Conboy and Khosla do not explicitly teach, but Prarulski teaches **in response to receiving the image group identifier**. For example, Prarulski discloses the appropriate transferred images are displayed. The user can select a display of "all images", a display of "all favorite" images, or a display of a "selected group" of images. If the user selects the "display all" option, in block 130 the CPU motherboard 12 in the home computer 10 builds a request to retrieve all of the thumbnail images from the general assets table 600 in FIG. 8. In block 132 all of the image objects are retrieved, which includes the "favlevel" favorites level metadata 666. In block 134 all of the images are displayed in a way that organizes them into groups, with icons indicating the favorite images in the collection of images (see Prarulski at page 8 paragraph [0087]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture

album) with the a unique number to each slot on the ordered set of album pages – see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding independent claims 7, 12, 18, 23 and 29 the rejection of claim 1 is fully incorporated. In addition, Conboy teaches **storing image on the server**. Specifically, Conboy discloses fetching the image from the server if the copy of the image is not found in the cache memory or if the copy of the image is not current (reasonably interprets as image is storing on the server) (Conboy at the Abstract).

In addition, Conboy teaches **the image identifier derived from an attribute of a markup element of a document on the client** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying

the image's location on the server call from client, can reasonably interpret as, "*a document structured by markup elements having attributes*," as claimed. Furthermore, Conboy teaches a **recording medium**. Specifically, Conboy discloses a cache memory item 406 of fig. 3.

Regarding claims 2-4 the rejection of claim 7 is fully incorporated. In addition, Conboy teaches **markup in the data stream** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code (i.e. markup data).

In addition, Conboy teaches **the data stream comprises a markup element that represents an instruction to retrieve** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server .

Regarding claim 8, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **BLOB** (see Parulski at page 8 paragraph [0087]), discloses a data blob.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Parulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob), into Khosla's digital

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processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claim 9, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **storing a pathname for each file** (see Prarulski at page 8 paragraph [0086]), discloses image path.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob) and image path, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on

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the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claims 5-6, 10, 13, 16, 20 and 21, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **associating the groups of images with an image retrieval routine, wherein retrieving the images further comprises invoking the image retrieval routine** (see Parulski at page 8 paragraph [0086]), discloses image path.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Parulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob) and image path, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the

location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claim 11, the rejection of claim 4 is fully incorporated.

Regarding claims 14, 15, 17 and 22, the rejection of claims 4 and 7 are fully incorporated.

Regarding claims 19, and 30-31, the rejection of claims 8-9 are fully incorporated.

Regarding claims 24, 25, 26, 27, 28 and 33, the rejection of claim 4, 7 and 23 are fully incorporated.

In regard to dependent claim 32, the rejection of claim 23 is fully incorporated.

(10) Response to Argument

Brief description of cited prior arts:

Conboy et al, discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein

(a) sending from a server to the viewing device an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image;

(b) parsing the hypertext language code including the image tag;

(c) searching for a copy of the image in a cache memory of the viewing device using the image tag attributes

- (d) displaying the copy of the image if the copy of the image is found in the cache memory and is current;
- (e) fetching the image from the server if the copy of the image is not found in the cache memory or if the copy of the image is not current; and
- (f) storing the fetched image and the image tag attributes in the (See Conboy at col. 2, lines 10-30, and also see Conboy at the Abstract).

In addition to the standard image tag attribute SRC, which specifies the remote location of the image at the server, and optional attributes, where the image can be looked up by either LOCALID or by LOCALNAME. LOCALID has a numeric value, while LOCALNAME has a string value. The image tag attributes also include a LOCALSIGNATURE to indicate the age of the image. LOCALSIGNATURE can either be the modification date/time of the image or it can be an arbitrary version stamp for the image. These attributes can be specified in a hypertext language as follows:

```
LOCALTYPE=[PICT|GIF|JPEG|<other image type>]  
[LOCALID=<n>|LOCALNAME="<name>"]  
LOCALSIGNATURE=<n>
```

(See Conboy at Column 4, Lines 5-35).

Khosla et al, discloses a searchable all pages of an on-line picture album (i.e. digital media file) illustrates in Figs 8A-C, a Graphical User Interface (GUI) for an album authoring software (i.e. allow album to be published), the GUI includes windows 801 and sample album icon 805, in conjunction with Fig 12F,

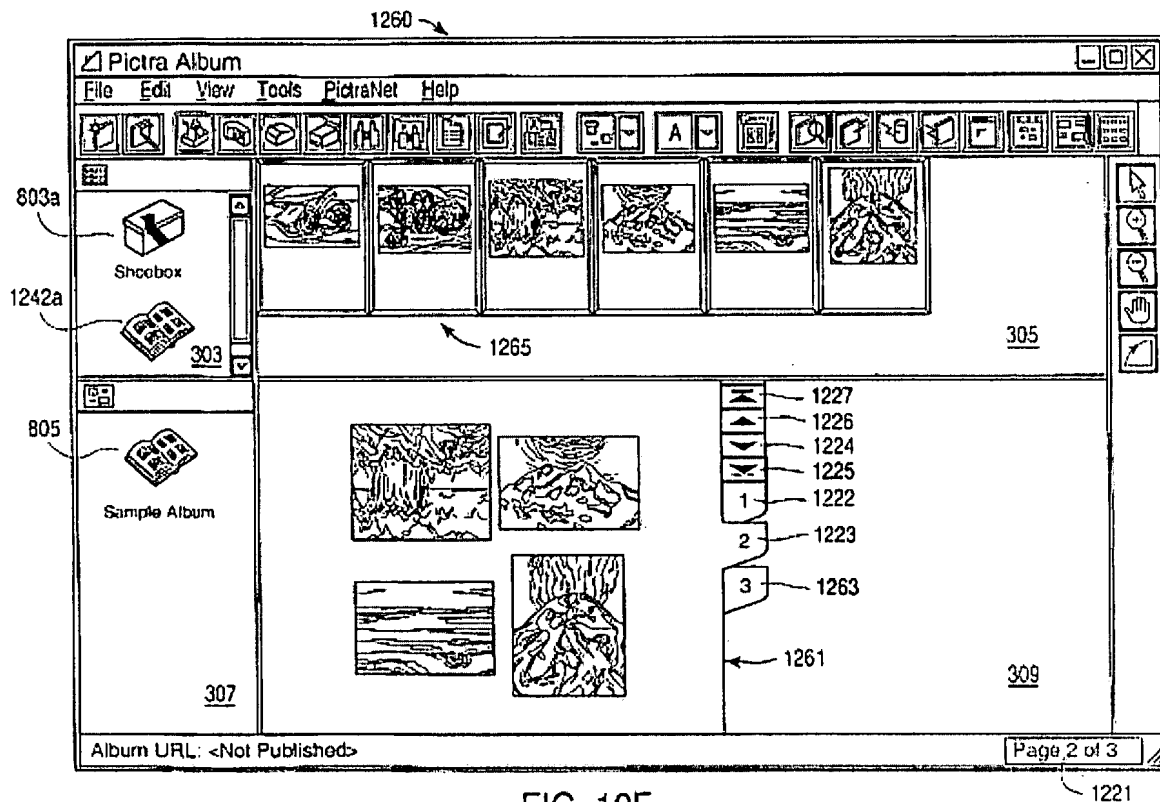


FIG. 12F

Shows that the sample album 805 has been selected in both the picture database region 303 (as indicated by the opened sample album icon 1242a in the picture database region) and by the opened sample album icon 805 in the album list region 307. Thus all the thumbnails 1265 for the selected album are shown in the thumbnail region 305 and a particular page in the selected album, in this case page 1261, is shown in the album page region 309. The user may modify the order in the selected album by selecting a particular thumbnail in the thumbnail region and dragging and dropping the thumbnail to a new position in the thumbnail region thereby automatically and dynamically changing the order of the pictures in the album page which is displayed

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below the thumbnail region (See Khosla Fig. 8 A-C and 12F ands also at Column 14, Lines 50-65.)

Parulski et al, discloses a method for grouping and classifying digital still images, the grouping and classification data is stored in a database on a host computer, and can later be used in retrieving digital images and in producing hardcopy output, such as album pages (See Parulski at Para 29). FIGS. 14A and 14B, taken together, depict a flow diagram showing a third embodiment of a method for grouping images, identifying favorite images, and organizing the images in accordance with the present invention. In this embodiment, the digital camera 300 includes a modem (not shown) which transmits some or all of the captured images to a service provider, and the grouping and classification information is used to simplify the process of organizing the images stored by the service provider into albums which can be easily selected by the user or by others authorized to view the uploaded images (See Parulski at Para 137)

Beginning on page 5 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

Appellant argues, claims 1-33 improperly rejected under 35 USC 103 over Conboy;

Khosla, and Parulski, because of the following:

- Because Conboy, Khosla, and Parulski fail to teach, “*an image group identifier identifying a plurality of images.*” See the brief at Pg 6 and Pg → Pg 10 Top.
- Because Conboy, Khosla, and Parulski fail to teach, “*receiving a data stream, the data stream comprising a document structured by markup elements having attributes.*” See the brief at Pg 10 Top → Pg 11 Top Half.
- Because Conboy, Khosla, and Parulski fail to, “*receiving the image group identifier.*” See the brief at Pg 11 Bottom → Pg 12 Top Half.
- Because Conboy, Khosla, and Parulski fail to teach, “*receiving the images from the data processing center.*” See the brief at Pg 12 Bottom → Pg 13 Top Half.
- Appellant argues, claim 7 improperly rejected under 35 USC 103 over Conboy; Khosla, and Parulski, because Conboy, Khosla, and Parulski fail to teach, “*storing images on a server.*” See the brief at Pg 13 Bottom → Pg 12 Top Half.

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- Appellant argues, claim 7 improperly rejected under 35 USC 103 over Conboy; Khosla, and Parulski, because Conboy, Khosla, and Parulski fail to teach, "*The Image Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client*" See the brief at Pg 14 Bottom→ Pg 15 Top Half.

First, Appellant argues claims 1-33 improperly rejected under 35 USC 103 over Conboy; Khosla, and Parulski, because Conboy, Khosla, and Parulski fail to teach,

- "*an image group identifier identifying a plurality of images.*" See the brief at Pg 6 and Pg → Pg 10 Top.
- "*receiving a data stream, the data stream comprising a document structured by markup elements having attributes.*" See the brief at Pg 10 Top → Pg 11 Top Half.
- "*receiving the image group identifier.*" See the brief at Pg 11 Bottom→ Pg 12 Top Half.
- "*receiving the images from the data processing center.*" See the brief at Pg 12 Bottom→ Pg 13 Top Half.

The examiner respectfully disagrees.

For purposes of responding to Appellant's argument, the examiner will assume that Appellant is arguing for the patentability of Claim 1.

As discuss in the above, Conboy teaches: (emphasis added).

"receiving a data stream"

As discuss above, and for clarification (See Conboy at Column 2 Lines 10-30 and the Abstract, in addition Conboy at Column 1 Lines 25-40, discloses the documents sent by a server are in a hypertext language format. A popular hypertext language is the HyperText Markup Language (HTML), using the broadest reasonable interpretation, the Examiner interprets the claimed *"data stream"* is the static HTML page of WWW publishing works under a client-server model as taught by Conboy. As evidence the Appellant Specification Page 10, Lines 1-5 recites, *"data stream" is any resource on any data processing system whose contents are organized by markup. Data streams include, for example, static files in markup languages, such as static HTML files "*

"the data stream comprising a document structured by markup elements having attributes," (emphasis added).

As discuss above, and for clarification (See Conboy at col. 2, lines 10-30, and also see Conboy at the Abstract) Conboy discloses sending from a server to the viewing device an image tag included in a hypertext language code, utilizing the static HTML page of WWW publishing works under a client-server model. Also see Conboy at Column 1, Lines 35-50, describes the HTML document, (i.e. structured document) by markup elements having attributes (i.e. When an image is to be sent to a viewing device, the server sends the following HTML image tag: <IMG SRC="<location>" [HEIGHT=<n>] [WIDTH=<n>]>. In addition to the standard image tag attribute SRC,

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which specifies the remote location of the image at the server, and optional attributes, where the image can be looked up by either LOCALID or by LOCALNAME. LOCALID has a numeric value, while LOCALNAME has a string value. The image tag attributes also include a LOCALSIGNATURE to indicate the age of the image.

LOCALSIGNATURE can either be the modification date/time of the image or it can be an arbitrary version stamp for the image. These attributes can be specified in a hypertext language as follows:

```
LOCALTYPE=[PICT|GIF|JPEG|<other image type>]  
[LOCALID=<n>|LOCALNAME="<name>"]  
LOCALSIGNATURE=<n>
```

(See Conboy at Column 4, Lines 5-35). It is noted, the Appellant Specification at Page 12, Lines 5-20 recites, ""Markup" means information added to a document to enable a person or system to process it ...Markup elements may be defined with one or more "attributes." Each attributes has a name and a value. The well known HTML anchor element, for example, includes a start tag <a> and an end tag <a>."

Therefore Conboy displaying image fetching from server employed data stream comprising a document structured by markup elements having attributes (i.e. HTML tag element includes Location ID of the requested web page of the image and other markup attributes as taught by Conboy).

In addition, Conboy does not teach, but Khosla teaches:

"an image group identifier identifying a plurality of images, included in an attribute of a markup element of the document; and retrieving the images, from the data processing system, in response to receiving the image group identifier" (emphasis added).

As discuss above, and for clarification (See Khosla Fig. 8 A-C and 12F ands also at Column 14, Lines 50-65), specially Khosla discloses access to the Internet allows users of the client computer systems to exchange information, receive and view documents, such as documents which have been prepared in the hypertext markup language (HTML) format. It is noted HTML Format is also preferred as markup format and inherently employed attribute of a markup element of the HTML document in order to access receive and view documents in the hypertext markup language (HTML) format as taught by Khosla. It is noted, the Appellant Specification at Page 12, Lines 5-20 recites, "'Markup' means information added to a document to enable a person or system to process it ...Markup elements may be defined with one or more 'attributes.'" Each attributes has a name and a value. The well known HTML anchor element, for example, includes a start tag <a> and an end tag <a>."

In addition, Khosla teaches an image group identifier identifying a plurality of images as shows in Fig 12F, the sample album 805, when 805 opened sample album icon 1242 a in the picture database region and by the opened sample album icon 805 in the album list region 307. Thus all the thumbnails 1265 for the selected album are shown in the thumbnail region 305 and a particular page in the selected album, in this

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case page 1261, is shown in the album page region 309. (See Khosla Fig. 8 A-C and 12F and also at Column 14, Lines 50-65.)

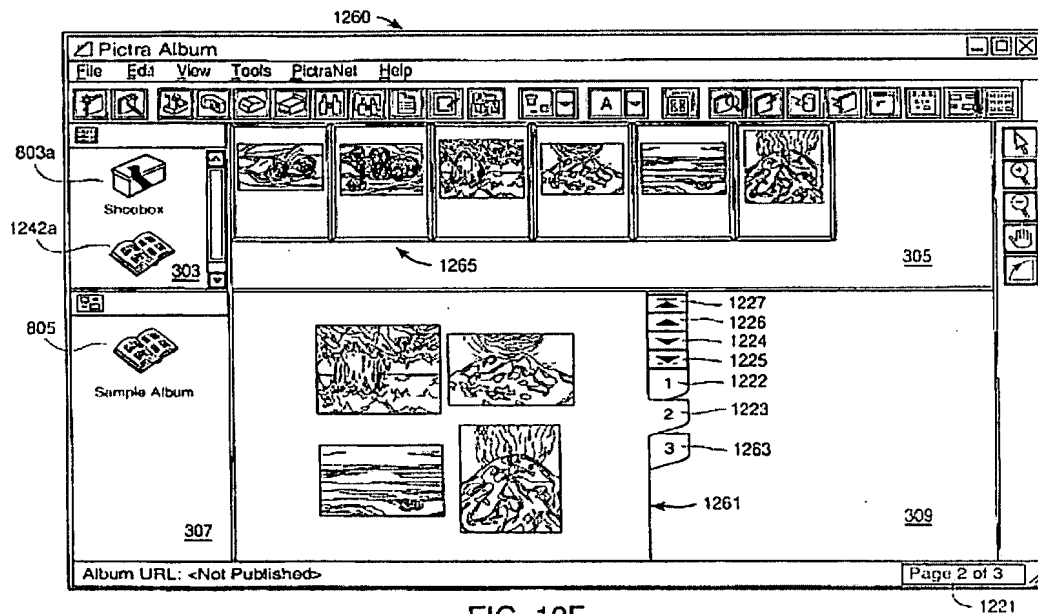


FIG. 12F

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Conboy teaching of receiving a data stream comprising a document structured by markup elements having attributes, to include a means of retrieving the images, from the data processing system, in response to receiving the image group identifier, wherein an image group identifier identifying a plurality of images, included in an attribute of a markup element of the document as taught by Khosla, to provide a predictable result of access to the Internet allows users of the client computer systems to, receive and view documents, such as documents which have been prepared in the hypertext markup language (HTML) format and using an image group identifier (item 805 of Fig. 12F) identifying a plurality of images (item

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1265 of Fig. 12F)(See Khosla Fig. 8 A-C and 12F ands also at Column 14, Lines 50-65.)

Following KSR direction as following: "SUPREME COURT OF THE UNITED STATES No. 04-1350 KSR INTERNATIONAL CO., PETITIONER v. TELEFLEX INC. ET AL. ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT [April 30, 2007], (page 2-3 of the court opinion) Following *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1 (1966), the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in *Hotchkiss v. Greenwood*, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15-17. The analysis is objective:

"Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." *Id.*, at 17-18.

While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls. If a court, or patent examiner, conducts this analysis and concludes the claimed subject matter was obvious, the claim is invalid under §103. Seeking to resolve the question of obviousness with more uniformity and consistency, the Court of Appeals for the Federal Circuit has employed an approach referred to by the parties as the "teaching, suggestion, or motivation" test (TSM test), under which a patent claim is only proved obvious if "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See, e.g., *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F. 3d 1308, 1323-1324 (CA Fed. 1999). KSR challenges that test, or at least its application in this case. See 119 Fed. Appx. 282, 286-290 (CA Fed. 2005). Because the Court of Appeals addressed the question of obviousness in a manner contrary to §103 and our precedents, we granted certiorari, 547 U. S. ____ (2006). We now reverse.

Using the broadest reasonable interpretation, and cites evidences above, the Examiner had found that Conboy in view of Khosla have taught all the limitation of claim 1 without Prarulski reference and the Examiner has established "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See, e.g., *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F. 3d 1308, 1323–1324 (CA Fed. 1999). KSR challenges that test, or at least its application in this case. See 119 Fed. Appx. 282, 286–290 (CA Fed. 2005).

Accordingly, for at least all the above evidence, claim 1 properly rejected under 35 USC 103 over Conboy in view of Khosla.

Second, Appellant argues claims 1-33 improperly rejected under 35 USC 103 over Conboy; Khosla, and Parulski, because Conboy, Kholsa, and Parulski fail to teach,

- *"storing images on a server."* See brief at Pg 13 Bottom-Pg 12 Top Half.
- *"The Image Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client"* See brief at Pg 14 Bottom-Pg 15 Top Half.

The examiner respectfully disagrees.

For purposes of responding to Appellant's argument, the examiner will assume that Appellant is arguing for the patent-ability of Claim 7.

As discuss in the above, the rejection of claim 1 is fully incorporated, and in addition Conboy teaches: (emphasis added).

"storing images on a server."

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(See Conboy at Column 2 Lines 10-30 and the Abstract, discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein (a) sending from a server to the viewing device an image tag included in a hypertext language code, and (e) fetching the image from the server.)

In addition, Conboy does not teach, but Kholsa teaches:

"The Image Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client".

A discusses above, and for clarification (See Khosla Fig. 8 A-C and 12F and also at Column 14, Lines 50-65), specifically Khosla discloses access to the Internet allows users of the client computer systems to exchange information, receive and view documents, such as documents which have been prepared in the hypertext markup language (HTML) format. It is noted HTML Format is also preferred as markup format and inherently employed attribute of a markup element of the HTML document in order to access receive and view documents in the hypertext markup language (HTML) format as taught by Khosla. It is noted, the Appellant Specification at Page 12, Lines 5-20 recites, "'Markup' means information added to a document to enable a person or system to process it ...Markup elements may be defined with one or more 'attributes.'" Each attributes has a name and a value. The well known HTML anchor element, for example, includes a start tag <a> and an end tag <a>."

In addition, Khosla teaches an image group identifier identifying a plurality of images as shown in Fig. 12F, the sample album 805 (i.e. image group identifier), when opened sample album icon 805 in the album list region 307. Thus all the thumbnails

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1265 (identifying a plurality of images) for the selected album are shown in the thumbnail region 305 and a particular page in the selected album, in this case page 1261, is shown in the album page region 309. (See Kholsa Fig. 8 A-C and 12F and also at Column 14, Lines 50-65.)

Also, Khosla discloses a picture database, which may be maintained on the computer system. Whereby the client computer system may be system 121, which is executing the album authoring software of the present invention (i.e. Document On The Client).

In addition, for further clarification, as evidence, Parulski discloses "*The Image Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client*" also taught by Parulski (See Parulski at para 150) teaches the GUI screen 1200 also includes a number of icons 1230-1242 that can be selected by the user. These icons include the "View all Albums" icon 1230 (*Image Identifier*), and a "Share Photos" icon 1236 that can be used to enable another GUI screen (not shown) to allow images in a selected album to be shared with one or more designees of the user, a "Buy Prints" icon 1238 that can be used to enable another GUI screen to allow prints of selected images to be purchased, an "Add Photos" icon 1240 that can be used to enable another GUI screen (not shown) to allow the user to upload additional images, and a "Help" icon 1242 that can be used to enable another GUI screen (not shown) to assist the user in using the services provided by the photo service provider 40.

Also (See Parulski at Para 4) describes as "FotoFile: A Consumer Multimedia Organization and Retrieval System" by Kuchinsky et al. The Kuchinsky et al. paper

describes metadata attributes that are used to describe certain images, including a "favorite" attribute (*Image Identifier Derived From An Attribute Of A Markup Element Of A Document On The Client*) that is used to indicate the "best" images in a user's collection.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Conboy, Khosla, and Parulski teachings to provide a predictable result of access to the Internet allows users of the client computer systems to, receive and view documents, such as documents which have been prepared in the hypertext markup language (HTML) format and using an image group identifier (item 805 of Fig. 12F) identifying a plurality of images (item 1265 of Fig. 12F) (See Kholsa Fig. 8 A-C and 12F and also at Column 14, Lines 50-65.)

Following KSR direction and cites evidence above, the Examiner had found that Conboy, Khosla, and Parulski have taught all the limitations of claim 7 and the Examiner has established "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the proble, or the knowledge of a person having ordinary skill in the art. See e.g., *Al-Site Corp. v. VSL Int'l, In.*, 174 F. 3d 1308, 1323-1324 (CA Fed. 1999). KSR challenges that test, or at least its application in this case. See 119 Fed. Appx. 282, 286-290 (CA Fed. 2005).

Therefore, claim 7 properly rejected under 35 USC 103 over Conboy in view of Khosla, and further in view of Parulski.

And accordingly, for at least all the above evidence, the Examiner respectfully maintains the rejection of claims 1-33, and should be sustained.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Quoc A. Tran/
Patent Examiner
Art 2176
10/25/2007

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